



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 16-1050
September 19, 2016

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON SPRINT
WAIVER REQUEST TO PERMIT BROADBAND OPERATIONS IN PORTIONS OF THE
ARIZONA NPSPAC REGION**

WT Docket No. 16-295

Comments Due: October 19, 2016

Reply Comments Due: November 3, 2016

On August 11, 2016, Sprint Corporation (Sprint) filed a request for waiver of Section 90.209(b)(7) of the Commission's rules¹ to permit 800 MHz broadband operations in portions of the Arizona National Public Safety Planning Advisory Committee (NPSPAC) Region (Region 3) prior to completion of 800 MHz Band reconfiguration in that Region.² On August 23, 2016, Sprint filed an amendment to its Waiver Request, informing the Wireless Telecommunications Bureau that Maricopa County has completed its infrastructure retune, as well as providing concurrences from Pima County and the State of Arizona.³

Section 90.209(b)(7) permits Economic Area-based 800 MHz Specialized Mobile Radio licensees to exceed Section 90.209's channel spacing and bandwidth limitation in the 817–824/862–869 MHz (813.5–824/858.5–869) MHz in the counties listed in Section 90.614(c)), band segments in NPSPAC regions only when all 800 MHz public safety licensees in the region have completed band reconfiguration.⁴ In the Waiver Request, Sprint seeks to use the 866-869 MHz portion of the band for broadband operations in portions of eight NPSPAC Region 3 counties where Sprint claims the public safety licensees have successfully completed their retunes or soon will.⁵ Sprint states there currently are four licensees⁶ in

¹ 47 CFR § 90.209(b)(7).

² Request for Waiver to Permit 800 MHz Wideband Operations in Portions of Arizona Prior to Completion of 800 MHz Band Reconfiguration in the Entire NPSPAC Region, FCC File Nos. 0007374837, 0007374839, 0007374843, 0007374843 (filed Aug. 11, 2016) (collectively, Waiver Request). The Waiver Request covers Call Signs WPOH379, WPOH373, WPOH368, and WPOH366.

³ Supplement to Request for Waiver to Permit 800 MHz Wideband Operations in Portions of Arizona Prior to Completion of 800 MHz Band Reconfiguration in the Entire NPSPAC Region (filed Aug. 23, 2016) (Supplement).

⁴ 47 CFR § 90.209(b)(7). 800 MHz Specialized Mobile Radio licensees are authorized to operate in the 813.5-824/858.5-869 MHz portion of the 800 MHz band only in the Southeastern U.S. counties listed in Section 90.614(c). The NPSPAC region where Sprint requests relief do not contain any of the listed counties.

⁵ See Sprint Waiver Request at 2-3.

⁶ *Id.* According to Sprint, the four licensees that have not yet fully retuned are as follows: the State of Arizona, Maricopa County, Pima County and San Bernardino County (SBC). *Id.* at 3, n. 10. Sprint explains that SBC is located in the adjacent California NPSPAC Region, but it operates wireless facilities in Mohave County, Arizona, and La Paz County, Arizona. *Id.*

Region 3 that have yet to complete reconfiguration.⁷ However, Sprint also claims that granting this waiver will result in no increased risk of interference to any licensee yet to completely reconfigure.⁸ By this Public Notice, we seek comment on the Sprint Waiver Request.

Procedural Matters

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

⁷ In the Supplement, Sprint states Maricopa County has completed its infrastructure retune and is performing final post-retune testing. Supplement at 1.

⁸ *Id.* at 2.

⁹ *See* 47 CFR §§ 1.1200(a), 1.1206.

-Effective December 28, 2009, all hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** The Commission's former filing location at 236 Massachusetts Ave., N.E. is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, DC 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The request, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, **WT 16-295**. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, DC 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

For further information, contact Amanda Huetinck of the Mobility Division, Wireless Telecommunications Bureau, at (202) 418-7090 or via e-mail at amanda.huetinck@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

- FCC -